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## SENATE BILL No. 517

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 10-13-3; IC 20-28-5-9.

**Synopsis:** Criminal history checks for teachers. Requires a national criminal history background check for an applicant for a teacher license.

**Effective:** July 1, 2007.

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### Drozda

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January 23, 2007, read first time and referred to Committee on Education and Career Development.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## SENATE BILL No. 517

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A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 10-13-3-16 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) As used in this  
3       chapter, "qualified entity" means a business or an organization, whether  
4       public, private, for-profit, nonprofit, or voluntary, that provides care or  
5       care placement services.

6       (b) The term includes **the following**:

7               (1) A business or an organization that licenses or certifies others  
8               to provide care or care placement services.

9               (2) **The department of education.**

10       SECTION 2. IC 10-13-3-39, AS AMENDED BY P.L.234-2005,  
11       SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12       JULY 1, 2007]: Sec. 39. (a) The department is designated as the  
13       authorized agency to receive requests for, process, and disseminate the  
14       results of national criminal history background checks that comply with  
15       this section and 42 U.S.C. 5119a.

16       (b) A qualified entity may contact the department to request a  
17       national criminal history background check on any of the following



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1 persons:

2 (1) A person who seeks to be or is employed with the qualified  
3 entity. A request under this subdivision must be made not later  
4 than three (3) months after the person is initially employed by the  
5 qualified entity.

6 (2) A person who seeks to volunteer or is a volunteer with the  
7 qualified entity. A request under this subdivision must be made  
8 not later than three (3) months after the person initially volunteers  
9 with the qualified entity.

10 (c) A qualified entity must submit a request under subsection (b) in  
11 the form required by the department and provide a set of the person's  
12 fingerprints and any required fees with the request.

13 (d) If a qualified entity makes a request in conformity with  
14 subsection (b), the department shall submit the set of fingerprints  
15 provided with the request to the Federal Bureau of Investigation for a  
16 national criminal history background check for convictions described  
17 in IC 20-26-5-11. The department shall respond to the request in  
18 conformity with:

19 (1) the requirements of 42 U.S.C. 5119a; and

20 (2) the regulations prescribed by the Attorney General of the  
21 United States under 42 U.S.C. 5119a.

22 (e) This subsection applies to a qualified entity that:

23 (1) is not a **charter school**, a school corporation, or a special  
24 education cooperative; or

25 (2) is a **charter school**, a school corporation, or a special  
26 education cooperative and seeks a national criminal history  
27 background check for a volunteer.

28 After receiving the results of a national criminal history background  
29 check from the Federal Bureau of Investigation, the department shall  
30 make a determination whether the applicant has been convicted of an  
31 offense described in IC 20-26-5-11 and convey the determination to the  
32 requesting qualified entity.

33 (f) This subsection applies to a qualified entity that:

34 (1) is a **charter school**, a school corporation, or a special  
35 education cooperative; and

36 (2) seeks a national criminal history background check to  
37 determine whether to employ or continue the employment of a  
38 certificated employee or a noncertificated employee of a **charter  
39 school or** school corporation or an equivalent position with a  
40 special education cooperative.

41 After receiving the results of a national criminal history background  
42 check from the Federal Bureau of Investigation, the department may

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exchange identification records concerning convictions for offenses described in IC 20-26-5-11 with the **charter school**, school corporation, or special education cooperative solely for purposes of making an employment determination. The exchange may be made only for the official use of the officials with authority to make the employment determination. The exchange is subject to the restrictions on dissemination imposed under P.L.92-544, (86 Stat. 1115) (1972).

(g) This subsection applies to a qualified entity ~~(as defined in IC 10-13-3-16)~~ that is a public agency under IC 5-14-1.5-2(a)(1). After receiving the results of a national criminal history background check from the Federal Bureau of Investigation, the department shall provide a copy to the public agency. Except as permitted by federal law, the public agency may not share the information contained in the national criminal history background check with a private agency.

SECTION 3. IC 20-28-5-9, AS ADDED BY P.L.246-2005, SECTION 160, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) An applicant must do the following:

(1) Submit **the applicant's fingerprints and** a request to the Indiana central repository for ~~limited a national~~ criminal history **information background check** under IC 10-13-3.

(2) Obtain a copy of the ~~limited criminal history~~ for the applicant from the repository's records.

~~(3) Submit to~~ (2) **Provide permission for** the department to **receive a copy of** the ~~limited national~~ criminal history **background check** for the applicant.

~~(4) (3)~~ Submit to the department a document verifying a disposition that does not appear on the ~~limited national~~ criminal history **background check** for the applicant.

(b) The department may deny the issuance of a license or certificate to an applicant who is convicted of an offense for which the individual's license may be revoked or suspended under this chapter.

(c) The department must use the information obtained under this section in accordance with ~~IC 10-13-3-29~~ **IC 10-13-3-39(g)**.

(d) An applicant is responsible for all costs associated with meeting the requirements of this section.

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